

# Notice of Allowability

Application No.

09/638,779

Examiner

Susanna M. Diaz

Applicant(s)

LEISLE, RALPH D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment agreed to on November 5, 2007.
2. ☒ The allowed claim(s) is/are 1,3,4,7-9,11,13-17,23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Susanna Diaz*  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**  
*AU3692*

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clyde Smith (Reg. No. 46,292) on November 5, 2007.

The application has been amended as follows:

#### AMENDMENTS TO CLAIMS

1. (currently amended) A computer program product having embodied thereon machine readable and machine executable software, comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of long-term care insurance options; [[and]]

a first process routine adapted and configured for using the stored data to determine an insured economic impact of the long-term care costs on personal assets, the first process routine including calculations to account for hypothetical tax consequences resulting from a sale of a portion of a first portion of the personal assets to pay the long-term care costs and calculations to account for periodic premium payments and monetary insurance benefits received, the hypothetical tax consequences being accounted for by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale of the first portion of the personal assets; the first process routine also including calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the first portion of the personal assets due to the sale the

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first portion of the personal assets; and

a second process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets, the second process routine being adapted and configured for using the stored data to determine an uninsured economic impact including calculations to account for hypothetical tax consequences resulting from a sale of a second portion of the personal assets to pay the long-term care costs and calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the second portion of the personal assets due to the sale of the second portion of the personal assets, the uninsured economic impact being independent of any periodic premium payments and any monetary insurance benefits received.

2. (cancelled)

3. (currently amended) The computer program product of ~~claim 2~~ claim 1 wherein the ~~process routine is first and second process routines are~~ adapted and configured to determine the economic impact of the future long-term care costs on the personal assets as a function of time and to output the economic impact for at least a first and second point in time.

4. (currently amended) The computer program product of claim 3 wherein the second point in time represents a point in time after the long-term care costs have hypothetically ceased being incurred, the economic impact for the second point in time being greater than the economic impact at the time the long-term care costs cease due to the unrealized investment opportunity calculations.

5. (cancelled)

6. (cancelled)

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7. (currently amended) The computer program product of ~~claim 5~~ claim 1 further comprising an output routine for facilitating the graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof.

8. (currently amended) A computer program product having embodied thereon machine readable and machine executable software, comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of long-term care insurance options;

a first process routine adapted and configured for using the stored data to determine an insured economic impact of the long-term care costs on personal assets, the first process routine adapted and configured for using the stored data to determine the insured economic impact including calculations of a first portion of the personal assets hypothetically sold to pay the long-term care ~~costs and costs~~, calculations to account for periodic premium payments and monetary insurance benefits received, calculations to account for hypothetical tax consequences by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale of the first portion of the personal assets, and calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the first portion of the personal assets due to the sale the first portion of the personal assets; and

a second process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets, the second process routine adapted and configured for using the stored data to determine the uninsured economic impact including calculations of a second portion of the personal assets hypothetically sold to pay the long-term care costs and calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the second portion of the personal assets due to the sale of the second portion of the personal assets, the uninsured economic impact being independent of any periodic

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premium payments and any monetary insurance benefits received.

9. (currently amended) The computer program product of claim 8 further comprising an output routine for facilitating the graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof.

10. (cancelled)

11. (currently amended) ~~The computer program of claim 10 wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the first portion of the personal assets and~~ computer program product of claim 8 wherein the second process routine adapted and configured for using the stored data to determine uninsured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the second portion of the personal assets.

12. (cancelled)

13. (currently amended) The computer program product of claim 11 wherein the second process routine adapted and configured for using the stored data to determine the uninsured economic impact determines the uninsured economic impact as a function of time and is configured to output the uninsured economic impact for at least first and second points in time, and wherein the first process routine adapted and configured for using the stored data to determine the insured economic impact determines the insured economic impact as a function of time and is configured to output the insured economic impact for at least the first and the second points in time.

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14. (currently amended) The computer program product of claim 13 wherein the second point in time represents a point in time after the long-term care costs have hypothetically ceased being incurred, the insured and uninsured economic impacts for the second point in time being greater than the insured and uninsured economic impacts respectively at the time the long-term care costs cease due to the unrealized investment opportunity calculations.

15. (currently amended) The computer program product of claim 13 further comprising an output routine for facilitating graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof.

16. (currently amended) A computer program product having embodied thereon machine readable and machine executable software, comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of long-term care insurance ~~options~~; and options;

a ~~process~~ first process routine adapted and configured for using the stored data to determine an insured economic impact of the future long-term care costs on personal assets as a function of time, the ~~process~~ first process routine being configured to output the insured economic impact for at least first and second points in time and to calculate a first portion of the personal assets hypothetically sold to pay the long-term care costs at each of the points in time, the first process routine including calculations to account for hypothetical tax consequences resulting from the sale of each of the first portions of the personal assets, the hypothetical tax consequences being accounted for in the first process routine by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale of each of the first portions of the personal assets at the respective first and second points in time, the first process routine including calculations to account for hypothetical unrealized

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investment opportunity resulting from an absence of the first portions of the personal assets due to the sale the first portions of the personal assets; and

a second process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets as a function of time, the second process routine being configured to output the uninsured economic impact for at least the first and second points in time and to calculate a second portion of the personal assets hypothetically sold to pay the long-term care costs at each of the points in time, the second process routine including calculations to account for hypothetical tax consequences resulting from the sale of each of the second portions of the personal assets and calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the second portions of the personal assets due to the sale of the second portions of the personal assets.

17. (currently amended) ~~The computer program of claim 16 wherein the economic impact represents an insured economic impact and each portion of the personal assets is a first portion, the process routine adapted and configured for using the stored data to determine the insured economic impact including~~ The computer program product of claim 16 wherein the first process routine includes calculations to account for periodic premium payments and monetary insurance benefits received, ~~the computer program further comprising a process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets as a function of time, the process routine adapted and configured for using the stored data to determine the uninsured economic impact being configured to output the uninsured economic impact for at least the first and second points in time and to calculate a second portion of the personal assets hypothetically sold to pay the long-term care costs at each of the points in time, and wherein~~ the uninsured economic impact ~~being independent~~ is independent of any periodic premium payments and any monetary insurance benefits received.

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18. (cancelled)

19. (cancelled)

20. (cancelled)

21. (cancelled)

22. (cancelled)

23. (currently amended) A method comprising:

acquiring user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of long-term care insurance options;

determining an insured economic impact of the long-term care costs on personal assets based on the acquired data, the determination of the insured economic impact including performing calculations of a first portion of the personal assets hypothetically sold to pay the long-term care costs, calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the first portion of the personal assets due to the sale of the first portion of the personal assets, and calculations to account for periodic premium payments and monetary insurance benefits received; [[and]]

determining an uninsured economic impact of the long-term care costs on the personal assets based on the acquired data, the determination of the uninsured economic impact including performing calculations of a second portion of the personal assets hypothetically sold to pay the long-term care costs and calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the second portion of the personal assets due to the sale of the second portion of the personal assets, the uninsured economic impact being independent of any periodic premium payments and any monetary insurance benefits received; and



creating a machine readable data file that is dependent upon the above-recited steps.

24. (original) The method of claim 23 wherein the steps of determining an insured economic impact and of determining an uninsured economic impact are generally made simultaneously.

25. (cancelled)

26. (cancelled)

27. (cancelled)

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Powers et al. (U.S. Patent No. 6,684,490) – Discloses an apparatus and method for exposing, evaluating, and rebalancing risk for decision-making in financial planning.

Hyman et al. (US 2004/0138950) – Discloses an apparatus and method of composing a plan of flexible benefits.

Candura et al. (US 2001/0032156) – Discloses a system and method for evaluating long-term care planning options.

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Gamble et al. (U.S. Patent No. 6,014,632) – Discloses an apparatus and method for determining insurance benefit amounts based on groupings of long-term care patients with common characteristics.

Gamble et al. (U.S. Patent No. 6,163,770) – Discloses a computer apparatus and method for generating documentation using a computer value for a claims cost affected by at least one concurrent, different insurance policy for the same insured.

Buchanan et al. (U.S. Patent No. 6,584,446) – Discloses a system for underwriting a combined joint life and long term care insurance policy which is actuarially responsive to long term care demands and life expectancies of the individual insured.

“LTC Consultants – Training Specialists For Long-Term Care Insurance” web site – Incorporates an analysis of lost investment opportunity when evaluating long-term care options.

Korn (“Healthy, Wealthy And Wise”) – Discusses long-term care planning.

Leisle (“LTC Policies are Critical in Estate Planning”) – Discusses the incorporation of an analysis of lost investment opportunity when evaluating long-term care options.

Rosenthal et al. (“Balancing the Use of Public and Private Financing for Long-Term Care”) – Discusses different approaches toward planning for long-term care, including liquidation of assets, insurance policies, and a combination thereof. Predicted tax consequences are also taken into account.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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November 6, 2007